

Dear Ms. Helt;

12-10-02

As a property owner immediately adjacent to the Barnes Nursery project to dig a dike and channel through the Sheldon Marsh wetland complex (July 2000), I wish to express my strong opposition to this Project on Lake Erie.

It serves NO NATIONAL INTEREST. On the contrary it undermines the beauty and conservation of this treasured wetland. It is for the greed and personal enrichment of the Barnes Nursery business to avoid payment of water costs. It adversely affects water flow, depth and purity. It is short sighted due to personal greed. Please do not allow this project to destroy the beauty of our Erie shore.

Kathy Tann (419) 621-046

John Girard
1371- B Cleveland Road West
Huron, Ohio 44839

December 9, 2002

Molly Holt, Attorney-Advisor
U.S. Department of Commerce, (NOAA)
1305 East-West Highway
Room 6111
Silver Springs, Maryland 20910

Dear Ms. Holt

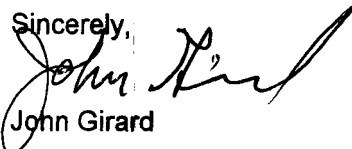
I am writing to express my support for the State of Ohio's denial of Coastal Consistency for the Barnes Nursery project where a dike and channel were constructed, without proper State approvals, that directly impact the Sheldon Marsh State Nature Preserve. This project has changed the hydrology of the property owned by Barnes Nursery and those properties immediately adjacent to it. One of the immediately adjacent properties is the Sheldon Marsh State Nature Preserve. Sheldon Marsh is a Category III wetlands as determined by the Ohio Environmental Protection Agency (EPA) and is needlessly exposed to harm by this project. Barnes did not consult with the State of Ohio prior to doing the dredging and filling that changed the hydrology of Sheldon Marsh, and should not be allowed to benefit from the change to the hydrology of the State Nature Preserve.

Barnes has stated that the primary objective of the project is to change the hydrology of their property in order to provide irrigation for their business. Barnes Nursery management has also stated, in a tour given to the public in June, 2001, that the change in irrigation was made necessary by a change in the products offered for sale by their company. Barnes Nursery has already had the economic benefit of many months of water drained from Sheldon Marsh. If the channel and dike constructed in this project are allowed to remain in place and a permanent change in the hydrology of Barnes Nursery is accomplished, it would surely also permanently change the hydrology of Sheldon Marsh! This is unacceptable!! Any change to the hydrology of Sheldon Marsh could negatively alter the economic benefit of this rare wetland to the entire Firelands region, and therefore potentially shift an economic burden, onto the State of Ohio and all its residents, in order to economically benefit Barnes Nursery. If Barnes needs to change the water usage of their business, other alternatives are available to them which do not alter the hydrology of Sheldon Marsh.

Additionally, an artificially imposed change to Sheldon Marsh is in direct conflict with the goals and objectives of the Lake Erie Protection and Restoration Plan currently being administered by the Ohio Lake Erie Commission. This Plan is one of the most effective examples of an EPA Remedial Action Plan being implemented anywhere in the United States. An artificial change to any part of the Lake Erie watershed should be compared to the Strategic Objectives of this Plan. This specific project, if allowed to exist, will result in actions that conflict with four of the TOP TEN Priority Recommendations for Lake Erie.

For these reasons, I respectfully request that the denial of Coastal Consistency be upheld. I implore you to recommend that the dike already constructed be removed and the channel already dug be filled. This is the only way to return the hydrology of Sheldon Marsh and the Lake Erie watershed to its original natural condition.

Sincerely,


John Girard

Dec. 9, 2002

Dear Ms. Holt,

I am writing to you to urge you to deny Mr. Barnes' appeal of the State of Ohio's refusal to grant the Barnes' Nursery project.

First of all, Barnes doesn't own this land any more than the rest of us do. A Nature Preserve is a treasure belonging to us all.

An artificial dike would change the function of what was a free flowing marsh ecosystem.

And secondly, Barnes has proceeded in a number of ways which are unjust and unfair. He got around the permit requirements of the ACE permit, and no public information sessions were held.

Finally, this project is inconsistent with the three requirements established by the CZMA - which I won't repeat here.

We must restore Shelton Marsh to its original, pre-construction condition.

Thank you.

Sincerely,

Dec. 8, 02

Dear Ms. Holt,

I'm writing in regard to the Barnes Project in Huron, Ott.

The Barnes Project must be consistent with the objectives & purposes of the Coastal Zone Management Act. However, the citizens of Ohio were denied of the rights & due process of the law when the Barnes Nursery started to build their canal:

1. The Barnes Project has no permit on record from the Army Corps of Engineers when they constructed the North-South Channel - which makes their project inconsistent with Ohio CZMP.
2. The citizens of Ohio own Sheldon Marsh State Nature Preserve which is adjacent to this illegal project.
3. The artificial dike of dirt & deep water channel alters the natural function of the previously free flowing marsh ecosystem.
4. The original erroneous ACE permit was applied for one day and granted the next, allowing no time for scrutiny.

We citizens of Ohio, esp. along Lake Erie want to keep the wetlands. Thank you.

Sincerely, Keith J. Sanders

Dear Ms. Holt

In the past year I have been dismayed
the Barnes ditches and

channel digging adjacent to the
wetland complex near Sandusky OH. Barnes
and its representatives planted the law in
numerous ways including avoiding any public
information or comment periods. Essentially,
they just went ahead and did it.

Sheldon Marsh is one of the very few natural
areas left in the South Coast of Lake Erie. I live
30 miles away and try to visit it several times
a year, so its being threatened by this channel
is serious to me. It is a very small area and
man-made unnecessary changes in water flow are
noticeable to us humans as well as to fish & birds.

I have also been a long-time admirer and
customer of The Barnes Nursery and know that they
have much land and other resources to handle their
needs that do not seem to have been explored.
Suffice it to say that I am telling everyone
I know who deals with Barnes Nursery about
this outrage and I certainly will never again

be customer.

Please look

number violations

7-02

Re Sheldon Marsh^{SNP} Sandusky OH

Please deny Barnes Nursery's appeal
in regards to that illegal dike they put in
Sheldon Marsh State Nature Preserve it
wonderful ~~area~~ wetlands area and it needs
the water from Lake Erie to survive

Thank you

ALICE FAREN

643 MEKSHORE DR

MENTOR, OH 44060

December 2002

Molly Holt
U.S. Department of Commerce (NOAA)
1305 East-West Highway
Room 6111
Silver Spring, MD 20910

Dear Ms. Holt,

I am writing to you today in support of the State of Ohio's denial of the Coastal Consistency of the Barnes Nursery dike and channel in the Sheldon Marsh wetland complex. This dike and channel were built without obtaining the proper permits even though they had consultants that knew the legal requirements. I have heard Barnes' side of this from the Army Corps of Engineers hearing that I attended. They have not been honest about width and depth of the channel. If they are dishonest about obvious facts, what else are they not honest about? The north/south channel was built before the the permit for the east/west channel was granted. The original erroneous ACE permit was granted one day after it was received and was later rescinded. They also never notified the adjoining property owners as required. The permit that they have now is dependent on receiving all required permits and it is inconsistent with Ohio's Coastal Zone Management Plan. Barnes Nursery has never signed the Coastal Consistency Agreement form which is necessary to get the ACE 404 permit even though the Army Corps of Engineers gave them the conditional permit.

The Barnes channel and dike is illegal and not authorized nor compliant. It has depleted the water from the rest of the wetland complex. It has degraded the wetland as a result. Allowing Barnes to keep and maintain the channel and dike is not the only way that they can obtain water. They have refused to consider other alternatives that will not damage wetland. The channel and dike do not provide anything to the national interest. I live within 50 miles of their nursery and there are numerous other nurseries within the 50 mile radius and none of the other nurseries are destroying a wetland in order to provide water to their plants. If Barnes' sole interest was water only, then they could have rebuilt the ponds that previously existed on their property, they could move some of the plants to their nursery on Catawba (where water is available) or use a pipe line that has been proposed and rejected.

I have been visiting Sheldon Marsh State Nature Preserve since 1989. I am not an expert by any means, but even I can see the changes to the marsh. I am a bird watcher and I visit the marsh every year. Sheldon Marsh is critical to the migratory birds. This last spring was a shock. The wetland plants (like Lotus) were replaced by plants that I do not recognize. What happens to the wildlife that depends on the wetland plants when the marsh dries up and "weeds" take over? Sheldon Marsh is a critical habitat for birds, plants and other wildlife. We have laws that are supposed to protect places like Sheldon Marsh. It is a category III wetland and there is no valid reason to destroy a wetland of this quality.

I have traveled to other states to view wildlife and there are two types of places I plan my trips around: Nature Preserves and National Wildlife Refuges. I can tell the difference in the quality of a wetland just by the variety of plants and wildlife found compared to the area surrounding the wetland. If we do not protect the habitat we can not protect the threatened or endangered wildlife that our laws require us to do. What good do our laws do us if we do not enforce them?

Please support the State of Ohio's denial of Coastal Consistency of the Barnes Nursery Project in the Sheldon Marsh wetland complex. This project does not support any benefit to the national interest. It only provides cheaper water for a business and greater profits. It is critical that an outside company/organization properly restore the wetland complex to its original pre-construction condition. Precautions are necessary during the restoration to prevent further degradation of the wetland. Please support the restoration of the Sheldon Marsh wetland complex.

Sincerely,

Donna J. Bretz

November

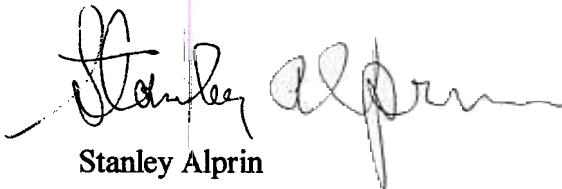
Ms. Mary Holt, Attorney Advisor
Office of the Asst. General Counsel for Ocean Svcs.
1305 East-West Highway Room 6111
Silver Springs, MD 20910

Dear Ms.

I would like to add my words of protest to the manner in which Barnes Nursery was permitted to build a dike and channel along the coast of Lake Erie. It appears that the Barnes Nursery acted without proper authorization and circumvented the established process for obtaining a permit.

If let stand this dike and channel would set a very harmful precedent undermining all wetland and coastal laws in the country. I hope that after thorough examination you will force the Barnes Nursery to stop the environmental degradation and return the area to its former state.

Respectfully,

A handwritten signature in dark ink, appearing to read "Stanley Alprin", with a long horizontal flourish extending to the right.

Stanley Alprin

7711 Dines Road
Novelty, Ohio 44072

November 20, 2002

Mary Holt
U.S. Department of Commerce
NOAA
1305 East-West Highway
Room 6111
Silver Spring, MD 20910

I would like this letter to go on record that my wife and I support the State of Ohio's denial of Coastal Consistency of the Barnes Nursery project (dike and channel) dug in Sheldon Marsh Wetland complex in July of 2000. From the information that I have read, there is a real possibility that the rights and due process of the law were denied to the people of Ohio., which does not further the national interest, examples are as follows:

- The citizens of Ohio own Sheldon Marsh State Nature Preserve which is adjacent to this illegal project.
- Barnes Nursery did not notify any adjoining property owners.
- Barnes circumvented the required authorizing State agencies, comments, and permits specifically required on the original Army Corps of Engineers (ACE) permit.
- Barnes held no public information sessions that would have brought to light the lack of coastal consistency before the oversized dike and channel were built in a rare category III wetlands containing a state nature preserve.
- The original erroneous ACE permit was applied for one day and granted the next allowing no time for scrutiny.
- Construction of the north-south channel on Barnes property was planned and built well in advance of the improper Army permit for the east-west channel. It has no permits on record from the ACE or any state agency, thus making it also inconsistent with Ohio's Coastal Zone Management Plan (CZMP).

Possible and real adverse coastal effects this project has and will/could continue to create are as follows:

- The artificial dike of dirt and deep water channel creates a double wall, which possibly alters the natural function of the previously free flowing marsh ecosystem. The hydrology has been altered.
- The possibility that the project is illegal in this area; it is not authorized and it is non-compliant. The possibility is great that it would never have been allowed if the proper agencies had been consulted, not circumvented in the initial planning stages.

- If left in place this dike and channel could set a precedent undermining all wetland and coastal laws in the country. This is not consistent with a management plan.
- Environmental degradation is apparent in the sedimentation, turbidity, pollution from run-off of the Nursery's activities, loss of aquatic habitat and destruction of vegetation which has occurred. Invasive species are apparent.
- Disruption of the natural water filtration activity of the marsh, necessary to purify our lake drinking water source is a concern.
- Depletion of water to the rest of the wetland complex in low lake level times has occurred, and could cause increased impacts if the dike and channel remain for a fourth growing season.

Alternatives do exist to allow Barnes the water they insist is the purpose of their project:

- Ponds existed on the property in the 1960's that could be rebuilt without being inconsistent with the coastal management plan. New technology and deeper wells may be an available source of water.
- The source of water (the marsh) which Barnes has chosen needs to be re-evaluated considering the fluctuating lake levels and the expanding size of their business.

Use of free flowing water without the dike and channel is an alternative which has been used by Barnes, and does not impact the wetland in average lake level years.

- Relocation of the few acres of potted plants requiring the 350,000 to 600,000 gallons of water daily to the Barnes location on Catawba is a possibility especially during low lake level times.
- The purchase of county water and other suggestions discounted by the Nursery have not been thoroughly investigated or used in combination with other alternatives to resolve the water supply problem without impacting the Sheldon Marsh wetlands.

The burden of proof of consistency with the CZMA lies with Barnes and from the information that I have read leads me to believe that Barnes may have failed to produce this information with the following examples:

- The immense amount of paper work from their hired consultants has proved nothing, but has held up restoration for three growing seasons thus far.
- Barnes dug their project in the middle of the growing season, July 2000 without any silt fence, concern for fish spawning, plant growth, water turbidity, pollution from construction equipment, disruption of the nearby endangered species habitats and nesting grounds, thus being inconsistent with the CZMP of Ohio.

- Barnes Nursery has insisted upon their consistency but never even signed the Coastal Consistency Agreement form necessary to obtain an ACE 404 Permit.
- The Ohio Attorney General, who represents the ODNR in this denial appeal, states the Army Corps cannot issue a provisional permit when a State objection is pending.
- The use of this provisional ACE permit by Barnes to justify their project is unfounded, and the appeal to NOAA should be dismissed thus nullifying the after-the-fact Army Corps 404 permit to keep the already constructed illegal projected.

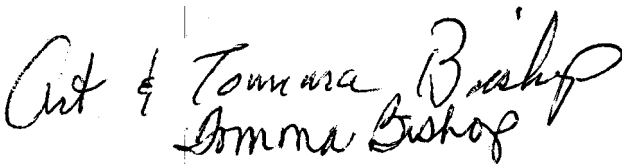
The physical fact of the dike and channel in place in a top quality wetlands, speaks for itself. This project in the wrong place cannot be justified, rationalized, negotiated or authorized. It is inconsistent with our management plans, State and Federal.

- Restoration to the original condition of Sheldon Marsh wetlands complex is the only option to bring this area into consistency with Ohio's coastal management plan.

The intent of this letter is in hopes that the Sheldon Marsh can be restored to its original, pre-construction condition.

Thank you for your time with this very important matter.

Respectfully,

A handwritten signature in cursive script that reads "Art & Tomma Bishop". The signature is written in dark ink and is positioned above the printed name.

Art and Tomma Bishop

cc: file

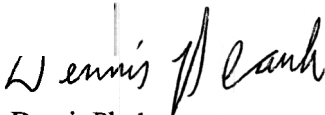
18038 ST. RT. 58
Wellington, OH
44090

November 19, 2002

Molly Holt, Attorney-Advisor
National Oceanic and Atmospheric Administration
Office of the Assistant General Counsel for Ocean Services
1305 East-West Highway, Room 6111
Silver Springs, MD 20910

Dear Molly Holt:

Please deny the appeal of the permit by Barnes Nursery for the development on Sheldon Marsh. The development may increase the chances of hurting endangered species like the Piping Plover and the Common Tern. Also, the developers have not looked at alternative sources of water or conservation.

A handwritten signature in black ink, appearing to read "Dennis Plank". The signature is written in a cursive, flowing style.

Dennis Plank
Sierra Club Northeast Ohio Group
Great Lakes Water Quality and Wetlands Committee
18900 Detroit Avenue, #508
Lakewood, Ohio 44107
216-228-4926
dennislakeerie@aol.com

November 18, 2002

Molly Holt, Attorney Advisor NOAA
Office of the Asst. Genl. Counsel for Ocean Svcs
1305 East-West Highway, Room 6111
Silver Springs, MD 209910

Re: Barnes Nursery Project & Sheldon Marsh State Nature Preserve, Erie County Ohio
Public Comments

Dear Ms. Holt,

I am writing in support of the State of Ohio's denial of Coastal Consistency of the Barnes Project dug in Sheldon Marsh wetland on Lake Erie's south shore in Erie County Ohio. Please do not let this appeal win over the right of the state to stop this nightmare of a project in our "backyard".

This project has no merits, especially after being briefed on the Coastal Zone management Act objectives and the requirements that appeals must satisfy three basic premises of national interests, outweighing the adverse impacts, and no reasonable alternatives. The Ohio Department of Natural Resources and the Ohio Environmental Protection Agency have done their jobs well. I agree with their results and findings.

The reason I do, is I know that area well. I was born and raised next door in Rye Beach, worked for the Sheldon Family, hunted, fished, trapped and explored the eastern Sandusky Bay by canoes from the 1950's on. This place is unique and the Barnes project is spoiling all that has been protected over the years. Now, we citizens of Ohio own the marsh adjacent to this illegal project. We never knew in advance of their plans as neighbors, nor had a chance to react in time to stop it. The proper permits were not obtained under due process and procedures. Now we have a mess to clean up. Don't make it more of a mess with more federal red tape. Stop it now.

The adverse effects on the coastal ecosystem will continue to create problems with habitat and water quality as I have noted in viewing the project the past year. I am manager of the Hancock Wetlands Partnership in Hancock County Ohio and go back "home" often to see what spoiling continues. The erosion, mud swirls, loss of vegetation and engineered presence of the dike are unnatural features that needs to be reversed.

You are probably hearing a lot from the Friends of Sheldon Marsh. They have many good points I also ask you listen to. It is imperative that this appeal currently being considered be denied, and the restoration of Sheldon Marsh to its original, pre-construction condition be required.

Thank you

Tim Brugeman



Tim and Candy Brugeman
550 Deer Lake Drive, Findlay, OH 45840

Nov 6, 2002

Bary Nash M
51770 G Field Rd
Wake - OH 44889

Molly H H
US Dept of Commerce NOAA
35 W Hw Rm 6
Spring Md 200

Re Ohio Dept of Coastal
Const of the Barnes Nursery
Pros + Pdk to go of g
Sld Ma h Ma h (7/00)

Ms Hott

Sheldon Marsh is a beautiful, critical,
sensitive and rare natural wetlands.
Barnes Nursery has dug an illegal
and harmful channel on the edge
of this marsh, spoiling a national treasure.
Barnes Nursery must be required to
remove this channel and restore the area
as closely as possible to its original state.
This is a critical nesting and migratory habitat
as well as a wildlife sanctuary and a natural
purification system for Lake Erie waters. The
channel has been detrimental for 3 seasons, and
must be removed ASAP! Ohio citizens deserve
and demand Nothing Less. Sincerely, Bary Nash

From the desk of. . .

1-16-2002

GEORGIA

Dear Ms. Holt

I am asking your support in the denial of the Barnes Nursery project in Erie County, Heron, Ohio. The State of Ohio has denied the project which has emptied the Category III wetland at Sheldon Marsh State preserve. No national interest is being served & the permit should not have issued by the Corps as they never followed legal procedures. Please do the correct legal decision making. Georgia Bobryk



Animals

Georgia Bobryk
225 Woodlawn Ave
RR 4
Norwalk, OH 44857

A Note from ...

PAGE 1052

WALTER B SLEMPA

11-02-02

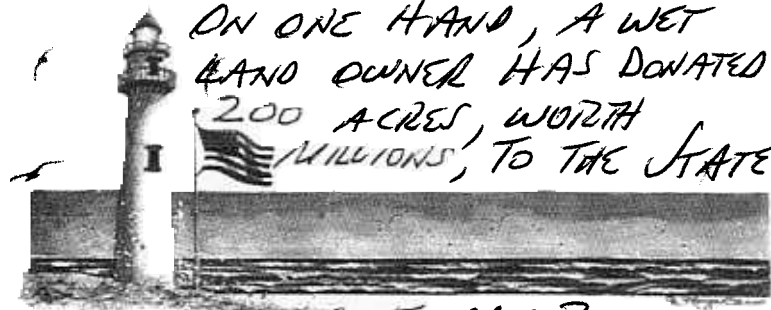
To: Molly Holt

ATTORNEY ADVISER

OFFICE OF THE ASSISTANT
GENERAL COUNSEL

BARNES NURSERY INC.'S
PROPOSED IRRIGATION PROJECT
NEAR SHELDON MARSH MUST
BE DENIED, OVERRULED, ETC.
BECAUSE WET LAND CHANGES
HAVE BEEN OBSERVED.

ON ONE HAND, A WET
LAND OWNER HAS DONATED
200 ACRES, WORTH
MILLIONS, TO THE STATE



CONT PAGE 2

11-02-02

11-02-02



Molly Holt
U.S. Department of Commerce, NOAA
1305 East-West Highway, Room 6111
Silver Spring, MD 20910

Dear Molly Holt:

Re: Barnes Nursery Project, Huron, OH

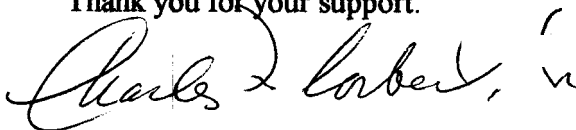
I ask you to support the State of Ohio's denial of Coastal Consistency of the Barnes Nursery project (dike and channel) dug in Sheldon Marsh wetland complex in July of 2000.

To be consistent with the objectives or purposes of the CZMA the project must satisfy the following three requirements:

- The activity furthers the national interest in a significant or substantial way.
- The national interest furthered by the activity outweighs the projects adverse costal effects, when those effects are considered separately or cumulatively.
- There is no reasonable alternative available which would permit the activity to go forward in a consistent manner with the management program.

I feel that the project has not satisfied these requirements and therefore, the State of Ohio's denial should be supported.

Thank you for your support.

A handwritten signature in cursive script, appearing to read "Charles F. Corbeil, Sr.", with a small flourish at the end.

Charles F. Corbeil, Sr.
4090 Stoney Point Road
Melbourne, FL 32940
cfc@cfl.rr.com